

100000308

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA**  
**§ 45.1-361.26**

**VIRGINIA:**

**BEFORE THE GAS AND OIL BOARD**

**APPLICANTS:**

CNX Gas Company on behalf of Harrison Wyatt LLC and W. A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne

**DOCKET NO.**

**91-0430-0116-05**

**RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds  
Action: Amending Prior Orders Affecting Drilling Unit AA-9, Tracts 2C (a portion thereof) (Referenced herein as "the Subject Drilling Unit")  
Location: Buchanan County, Virginia

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AA-9 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

**REPORT OF THE BOARD**

**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on December 15, 2009, at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret

agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On April 30, 1991, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 6, 1991, Deed Book 375, page 758. The Supplemental Order was executed on October 20, 1993, and recorded in with the Clerk of the Court, Buchanan County on October 29, 1993, Deed Book 415, page 284.
- (b) On November 16, 2004, the Board executed an order, Docket number 91-0430-0116-01, and disbursing escrowed funds from Tracts 2B and 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 13, 2002, Instrument 060000780.
- (c) On June 19, 2007, the Board executed an order, Docket number 91-0430-0116-02, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on January 23, 2008, Instrument No. 08-0000442.
- (d) On March 17, 2009, the Board executed an order, Docket number 91-0430-0116-03 & 04, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 24, 2009, Instrument No. 09-0000848.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Harrison-Wyatt LLC, and the gas and oil ownership interests of W. A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne; in a portion of Tract 2C in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tracts 2C, a copy of which is attached to and made a part hereof, states under oath that Harrison-Wyatt LLC and the Applicants have entered into an agreement with regards to Tract 2C, and that by the terms of the agreements, Harrison-Wyatt LLC has entered into a split agreement regarding this Tract and escrow regarding these individual conflicting claims detailed herein, is no longer required.
- 4.4 The Unit Operator gave notice to Harrison-Wyatt LLC and the applicants that the Board would consider its disbursement authorization at its hearing on December 15, 2009, and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tract 2C, as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 2C, the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) **continue the escrow account** under this docket number because parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting (Exhibit A) for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

5.2 Applicant has certified and represented to the Board that:

- (1) Harrison-Wyatt LLC; and, W. A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne respectively, are the owners of the coal estate, gas and oil acreage estate underlying a portion of VGOB Tracts 2C, of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

**VGOB Approved Disbursement**  
**VGOB 91-0430-0116-05**

		Acres Owned		Acreage Interest in Unit	Split Agreement %	Equivalent Disbursement Acres	Owners % of Remaining Escrowed Funds
<b>Table 1</b>							
		Tract 2C (a portion of)					
Item	Tract	Disbursement Table					
		Total Remaining Acres in Escrow after disbursements -01 and -02				50.957125	
		Harrison-Wyatt, LLC - Coal		24.0600			
1	2C	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		3.2080	50.0%	1.604	3.1477%
2	2C	William Ersel Armes / 301 Ridgewood Drive / Lebanon, VA 24266		1/48	0.5013	50.0%	0.251
3	2C	Phyllis Jean Cook / P.O. Box 975 / Vansant, VA 24656		1/48	0.5013	50.0%	0.251
4	2C	Brenda Sue Fletcher / P.O. Box 870 / Vansant, VA 24656		1/48	0.5013	50.0%	0.251
5	2C	Rita Coleman / Rt. 1 Box 581 / Vansant, VA 24656		1/48	0.5013	50.0%	0.251
6	2C	James Osborne / 26413 Mansfield Road / Devince, OH 43512		1/60	0.4010	50.0%	0.201
7	2C	Ron Osborne / 43983 Upper Clear / Cadiz, OH 43907		1/60	0.4010	50.0%	0.201
8	2C	Bill Osborne / 1280 3 Springs / Russellville, TN 37860		1/60	0.4010	50.0%	0.201

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent **is directed to continue the Escrow Account** for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

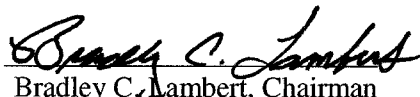
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

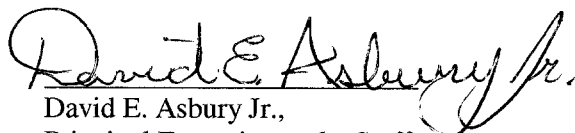
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 9 day of Feb, 2010, by a majority of the Virginia Gas and Oil Board.

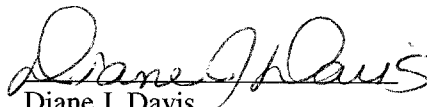
  
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 9<sup>th</sup> day of February, 2010, by an Order of this Board.

  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF ~~WASHINGTON~~ )

Russell  
Acknowledged on this 9<sup>th</sup> day of February, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 09/30/2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 91-0430-0116-05

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING A PORTION OF TRACT(S) 2C  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES

HEARING DATE: December 15, 2009

DRILLING UNIT: AA-9

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

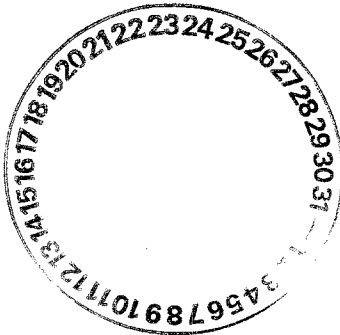
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 2c as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC. and W.A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Harrison-Wyatt, LLC. and W.A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.



CNX GAS COMPANY LLC  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: \_\_\_\_\_

Anita D. Duty  
Pooling Supervisor  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 9/30/09**

Unit AA-9  
VGOB 91-0430-0116-05  
Acres Escrowed: 50.957125

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$108,521.65
Harrison-Wyatt, LLC - Coal	2C	14.887125			29.2150%	<del>14.6075%</del>	\$3,415.98
W.A. Arms Heirs - O&G		24.06				14.6075%	
William Ersel Armes			0.5013	1/48		0.4918%	\$533.75
Phyllis Jean Cook			0.5013	1/48		0.4918%	\$533.75
Brenda Sue Fletcher			0.5013	1/48		0.4918%	\$533.75
Rita Coleman			0.5013	1/48		0.4918%	\$533.75
James Osborne			0.4010	1/60		0.3935%	\$427.00
Ron Osborne			0.4010	1/60		0.3935%	\$427.00
Bill Osborne			0.4010	1/60		0.3935%	\$427.00

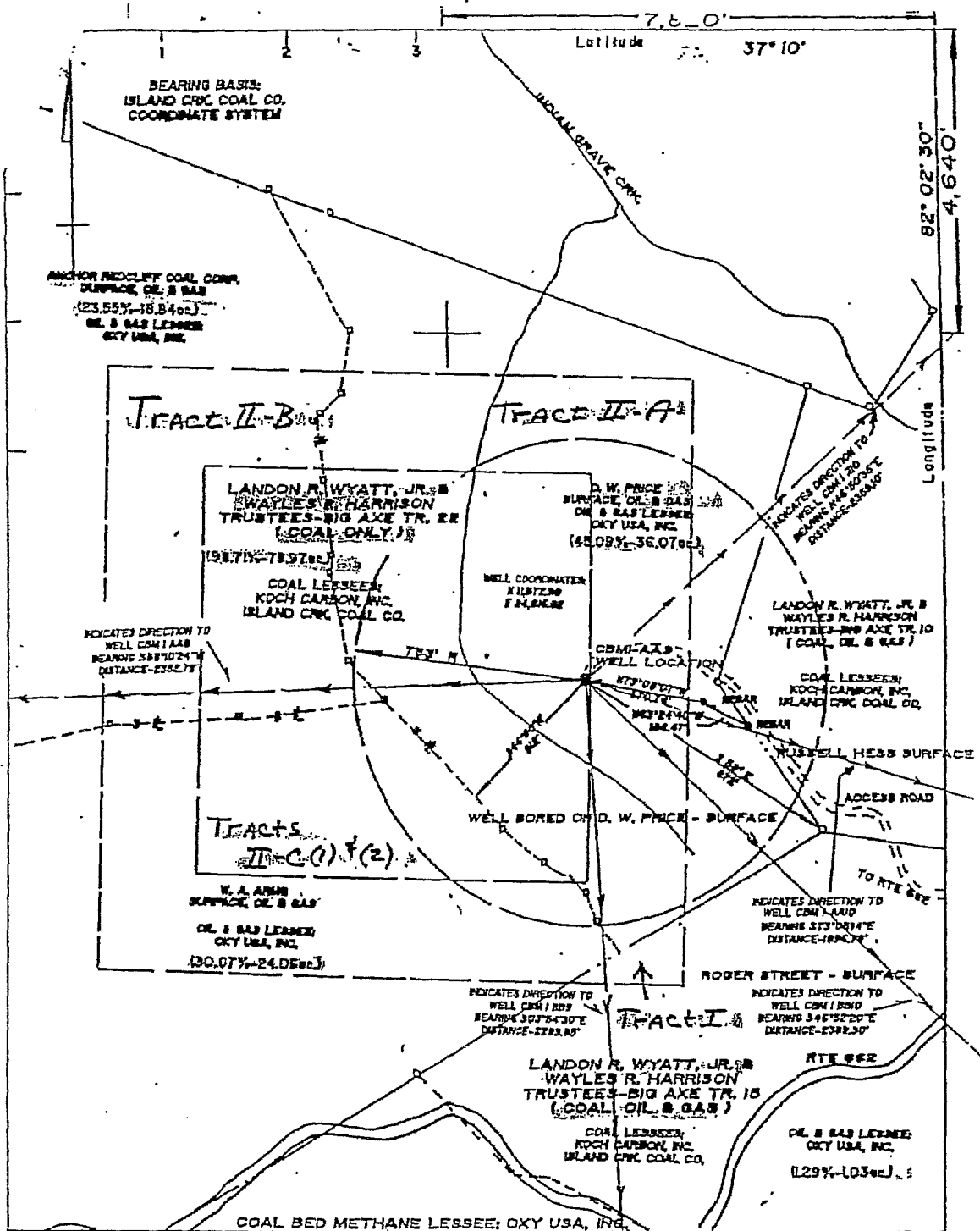
**Wells contributing to the escrow account:**

AA9

016  
1/72  
1/30  
Pessix

revised

6



COMPANY OXY USA, INC.  
ADDRESS DRAWER C, RICHLANDS, VA 24641  
WELL NAME CBMI-AA9  
FARM TRACT BIG AXE 22  
LEASE NO. 2255.88  
ACRES 400 QUADRANGLE VAN SANT  
COUNTY BUCHANAN DISTRICT SOUTH BRUNY  
REG. ENGINEER VA REG. NO. 2687  
CERT. LAND SURVEYOR \_\_\_\_\_ CERT NO. \_\_\_\_\_  
FILE NO. \_\_\_\_\_ DRAWING NO. \_\_\_\_\_  
DATE 10-12-20 SCALE 1" = 400'

This plot is ☒ new ☐ updated  
This plot ☒ is ☐ is not based on a mine  
coordinate system established for the area of  
of the well location.

EXHIBIT A

## WELL LOCATION MAP

### WELL NO. CBMI-AA9

Denotes location of well on United States  
Topographic Maps, scale 1 to 24,000, lat-  
itude and longitude lines being represented  
by border lines as shown.

### CERTIFICATION OF WELL PLAT

I, the undersigned, hereby certify that  
this plot is correct to the best of my  
knowledge and belief, and that all the  
information required by law and the regulations  
of the Well Review Board has been furnished.

ROBERT E. LIGHT  
Registered Engineer No. 2687  
Land Surveyor in Charge

# CNX Gas Company LLC

## UNIT AA-9

### Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) – All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Roger Street – Surface  
1.03 acres                      1.2875%
- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
D. W. Price Heirs – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
36.07 acres                      45.0875%
- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Robert A. Rash – Surface and All Minerals except Coal  
CNX Gas Company LLC- Oil, Gas and CBM Leased  
18.84 acres                      23.5500%
- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
W. A. Arms Heirs, Successors or Assigns – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (52.47%)  
24.06 acres                      30.0750%



**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-05**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 36.07 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C., Tr.22 P.O. Box 11000 Danville, VA 24543	36.07 acres	45.0875%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) D.W. Price Heirs, Devisees, Successors or Assigns	36.07 acres	45.0875%
(a) Elizabeth Newberry Box 20 South Farmer Street Richlands, VA 24641	5.152857 acres 1/7 of 36.07 acres	6.4411%
(b) Dorothy Ann Price Musick P.O. Box 1089 St. Paul, VA 24283	5.152857 acres 1/7 of 36.07 acres	6.4411%
(c) David William Price Rt.1 Box 403 Midland, VA 22728	5.152857 acres 1/7 of 36.07 acres	6.4411%
(d) Junior V. Price P.O. Box 1052 Honaker, VA 24260	5.152857 acres 1/7 of 36.07 acres	6.4411%
(e) Russell Eugene Price Rt.1 Box 401 Midland, VA 22728	5.152857 acres 1/7 of 36.07 acres	6.4411%
(f) Michael W. Price, Sr. Rt.1 Box 402 Midland, VA 22728	5.152857 acres 1/7 of 36.07 acres	6.4411%
(g) Mary Elizabeth Shortt P.O. Box 793 Honaker, VA 24260	5.152857 acres 1/7 of 36.07 acres	6.4411%

**Tract #2C - 24.06 acres**

**COAL OWNERSHIP**

(1) Harrison-Wyatt, L.L.C., Tr.22 P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%
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**OIL & GAS OWNERSHIP**

W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		

**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-05**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.133667 acres 1/180 of 24.06 acres	0.1671%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.133667 acres 1/180 of 24.06 acres	0.1671%
(a.3) Adam F. Coleman Address Unknown	0.133667 acres 1/180 of 24.06 acres	0.1671%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman Address Unknown	<i>Life Estate Only</i>	
(c.2) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.200500 acres 1/120 of 24.06 acres	0.2506%
(c.3) Mildred Coleman PO Box 894 Pounding Mill, VA 24637	0.200500 acres 1/120 of 24.06 acres	0.2506%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.057286 acres 1/420 of 24.06 acres	0.0716%
(d.7) Kathryn Johnson Webb 17687 Mooresville Road Mooresville, NC 28115	0.057286 acres 1/420 of 24.06 acres	0.0716%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.401000 acres 1/60 of 24.06 acres	0.5013%

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**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-05**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Ed Coleman Price Heirs, Devisees, Successors or Assigns		
(a.1) Hurley Street Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	1.002500 acres 1/24 of 24.06 acres	1.2531%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns		
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.125313 acres 1/192 of 24.06 acres	0.1566%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.125313 acres 1/192 of 24.06 acres	0.1566%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.668333 acres 1/36 of 24.06 acres	0.8354%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.668333 acres 1/36 of 24.06 acres	0.8354%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.668333 acres 1/36 of 24.06 acres	0.8354%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.668333 acres 1/36 of 24.06 acres	0.8354%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.668333 acres 1/36 of 24.06 acres	0.8354%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.668333 acres 1/36 of 24.06 acres	0.8354%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		

**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-05**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	1.002500 acres 1/24 of 24.06 acres	1.2531%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	1.002500 acres 1/24 of 24.06 acres	1.2531%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel Address Unknown	(Life Estate Only)	
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.200500 acres 1/120 of 24.06 acres	0.2506%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.200500 acres 1/120 of 24.06 acres	0.2506%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.401000 acres 1/60 of 24.06 acres	0.5013%
(9) Slemp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.668333 acres 1/36 of 24.06 acres	0.8354%
(b) Donald Arms 7679 Dr. Ralph Stanley Hwy Coeburn, VA 24230	0.668333 acres 1/36 of 24.06 acres	0.8354%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.668333 acres 1/36 of 24.06 acres	0.8354%

**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-05**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	<b>Acres in Unit</b>	<b>Percent of Unit</b>	<b>Percent of Escrow</b>
<b><u>Tract #2B - 18.84 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	18.84 acres	23.5500%	Already Disbursed
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	18.84 acres	23.5500%	Already Disbursed
<b><u>Tract #2C - 24.06 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%	
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%	
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns			
(a.1) Sue Edwards 101 St. Andrews Drive Bristol, VA 24202	0.201 acres 1/120 of 24.06 acres	0.2506%	Already Disbursed
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.201 acres 1/120 of 24.06 acres	0.2506%	Already Disbursed
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns			
(b) Edna Coleman Price Heirs, Devisees, Successors or Assigns			
(b.1) James C. Price 208 Country Meadows Circle Bristol, TN 37620	0.501 acres 1/48 of 24.06 acres	0.6266%	Already Disbursed
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns			
(c.1) Edgar Allen Price, Jr. 1034 Moore Fork Road Duck, WV 25063	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed

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(c.2) Katherine Price Sears P.O. Box 34 Mount Nebo, WV 26679	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Gladys Coleman Blankenship Heirs, Devisees, Successors or Assigns			
(a.1) Elmer James Jackson P.O. Box 145 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.2) Ettie Mae Hill P.O. Box 134 Grundy, VA 24614	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.6) Lois Kate Boyd P.O. Box 685 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.7) Ira Roger Jackson P.O. Box 1079 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.014 acres 1/1728 of 24.06 acres	0.0174%	Already Disbursed
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.014 acres 1/1728 of 24.06 acres	0.0174%	Already Disbursed
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed

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	Acres in Unit	Percent of Unit	Percent of Escrow
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns			
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.125 acres 1/192 of 24.06 acres	0.1566%	Already Disbursed
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.125 acres 1/192 of 24.06 acres	0.1566%	Already Disbursed
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%	Already Disbursed
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(b) Kelsie Arms Eastridge Rt.1 Box 768 Boomer, NC 28606	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(10) Dock Arms Heirs, Devisees, Successors or Assigns			
(a) Dessie Armes Heirs, Devisees, Successors or Assigns (1/12)			
(a.1) William Ersel Armes 301 Ridgewood Drive Lebanon, VA 24266	0.501250 acres 1/48 of 10.58 acres	0.6266%	0.4918%

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	Acres in Unit	Percent of Unit	Percent of Escrow
(a.2) Phyllis Jean Cook P.O. Box 975 Vansant, VA 24656	0.501250 acres 1/48 of 10.58 acres	0.6266%	0.4918%
(a.3) Brenda Sue Fletcher P.O. Box 870 Vansant, VA 24656	0.501250 acres 1/48 of 10.58 acres	0.6266%	0.4918%
(a.4) Rita Coleman Rt.1 Box 581 Vansant, VA 24656	0.501250 acres 1/48 of 10.58 acres	0.6266%	0.4918%
(11) Howell Arms Heirs, Devisees, Successors or Assigns			
(a) Mary June Shortridge Arms 24404 Green Springs Road Abingdon, VA 24211	2.005 acres 1/12 of 24.06 acres	2.5063%	Already Disbursed
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.401000 acres 1/60 of 24.06 acres	0.5013%	0.3935%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.401000 acres 1/60 of 24.06 acres	0.5013%	0.3935%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.401000 acres 1/60 of 24.06 acres	0.5013%	0.3935%
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed

INSTRUMENT #100000000  
RECORDED IN THE CLERK'S OFFICE OF  
SOUTHERN COUNTY, VA  
FEBRUARY 17, 2010 AT 10:05AM  
BEVERLY E. MILLER, CLERK  
RECORDED BY: NRE

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